

2022 Regular Session

HOUSE BILL NO. 234

BY REPRESENTATIVE SCHLEGEL

1 AN ACT

2 To enact R.S. 32:300.4.1, relative to smoking in motor vehicles; to prohibit the operator or
3 any passenger in a motor vehicle from smoking or vaping marijuana while operating
4 on a public highway or right-of-way; to provide for the definition of "smoke" and
5 "public highway or right-of-way"; to provide penalties for a violation of the
6 prohibition against smoking or vaping in motor vehicles; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:300.4.1 is hereby enacted to read as follows:

10 §300.4.1. Smoking or vaping marijuana in motor vehicles prohibited; penalties

11 A. It shall be unlawful for the operator or any passenger in a motor vehicle,
12 while the motor vehicle is being operated on a public highway or right-of-way, to
13 smoke or vape any form of marijuana as defined by R.S. 40:961, or a substance
14 classified in Schedule I that is marijuana, tetrahydrocannabinol, or chemical
15 derivatives thereof.

16 B. For purposes of this Section, the following words have the following
17 meanings ascribed to them:

18 (1) "Smoke" means inhaling, exhaling, burning, or carrying any activated
19 aerosol or vapor or any lighted cigarette, cigar, pipe, weed, plant, or other
20 combustible substance in any manner or in any form.

1 (2) "Public highway or right-of-way" means the entire width between and
2 immediately adjacent to the boundary lines of publicly maintained highways or roads
3 when any part thereof is open to the use of the public.

4 C. Whoever violates the provisions of this Section shall be fined one hundred
5 dollars.

6 D.(1) A law enforcement officer shall enforce the provisions of this Section
7 only as a secondary action when the law enforcement officer detains a driver for
8 another violation.

9 (2) A violation of this Section shall be considered a nonmoving violation,
10 and a citation issued by a law enforcement officer for such violation shall not be
11 included on the driver's operating record.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____